FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A. No.4313 of 2004
IN
First Appeal No.1388 of 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.G.S.Hegde for
applicants-appellants.
Mr.T.S.Ingale for respondents.

CORAM : H.L GOKHALE &
R.S.MOHITE, JJ.
DATED : 22nd December 2004

P.C. :

1. Heard Mr.Hegde for the applicants-appellants. Mr.Ingale appears for the respondents.

2. This civil application seeks stay of the order dated 1st July 2004 passed by the Motor Accident Claims Tribunal, Sangli ("M.A.C.T." for short). We have perused the judgment and order passed by the M.A.C.T. Having seen the same, we asked Mr.Ingale, learned Counsel appearing for the respondents to tender the

calculations containing the burden under that order. He has filed a statement giving the particulars of the amount awarded by the M.A.C.T. From that statement, which is on the basis of the operative part of the order of the M.A.C.T., it is seen that an amount of Rs.5,50,000/- is to be invested, as directed by the M.A.C.T. Excluding that amount and considering the interest as of now, the remaining amount comes to Rs.8,17,137.75. The M.A.C.T. has stated in paragraph 3 of its operative part of the order that the the rest of the amount of Rs.Two Lakhs with interest from the date of the petition and costs are to be given to petitioner No.1-widow (respondent No.1 herein). It is on that basis that these calculations are made and wherein it is seen that Rs.8,17,137.75 will be the balance amount payable to respondent Nos.1

and 4 herein together. We direct the applicants-appellants to deposit the entire amount as per the impugned order in the trial Court with interest and costs, as directed by that Court. From these amounts, the amount of Rs.Five Lakhs will be released to respondent Nos.1 and 4 together i.e. Rs.4,25,000/- to respondent No.1 and Rs.75,000/- to respondent No.4. These amounts will be released without insisting on any security. The remaining amount of Rs.3,17,137.75 or whatever be the aggregate amount as per the exact calculations, will be released in favour of respondent No.1 on furnishing an appropriate security to the satisfaction of the trial Court.

3. The remaining amount of Rs.5,50,000/- will be invested and the interest thereon will be paid, as directed in the impugned order,

subject to the modification, namely, that all the deposits will now be made for five years and not for the lesser period. Quarterly interest will be paid to the original claimants and there will be a liberty to the parties to apply in the event of any requirement. These deposits shall continue to be renewed until the hearing and disposal of the appeal and will be subject to the orders to be passed when the appeal is finally heard and decided.

4. Mr.Ingale appearing for the respondents, states that the respondents (original claimants) have no objection to the investment of Rs.5,50,000/- to be continued until the disposal of the appeal and also undertakes to the Court that the respondents will submit to the orders of the Court and will carry out the directions given by the Court when

the appeal is finally heard and decided.

5. Mr.Hegde appearing for the applicants-appellants states that the amount will be deposited within four weeks from today and the trial Court will proceed to release the amounts, as directed above on necessary compliances and to invest them at the earliest thereof.

6. In the event, the amount of Rs.3,17,137.75 or whatever is the balance amount, is not withdrawn within four weeks after furnishing the security, the trial Court will invest that amount in any Nationalised Bank for a period of five years with quarterly interest. The interest will be released to original claimant No.1.

7. In view of the above, the

Civil Application is disposed of.

(H.L.GOKHALE, J.)

(R.S.MOHITE, J.)